

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CRIMINAL MINUTES - SENTENCING AND JUDGMENT

ORIGINAL

Case No: CR 04-1005-CJCDate and Filed: August 23, 2004PRESENT: HONORABLE CORMAC J. CARNEY, JUDGE

D. Beard
Deputy Clerk

Maria Beesley
Court Reporter

Kevin Smith
Asst. U. S. Attorney

SPANISH INTERPRETER: N/A

U.S.A. vs (Dfts listed below)

Attorneys for Defendant

(1) Francisco Nunez-Moreno
X pres X custody bond

(1) Darlene Ricker
X pres X apptd rtnd

PROCEEDINGS: CHANGE OF PLEA AND SENTENCING

Cause called; appearances made. Court accepts defendant's reaffirmation of Waiver of Indictment.

Defendant moves to change plea to Counts 1 and 2 of the Information. Defendant sworn. Defendant enters new and different plea of Guilty to Counts 1 and 2 of the Information. The Court questions the defendant regarding plea of Guilty and finds that a factual basis has been laid, and further finds the plea is knowledgeable and voluntarily made. The Court orders the plea accepted and entered, and proceeds immediately to sentencing.

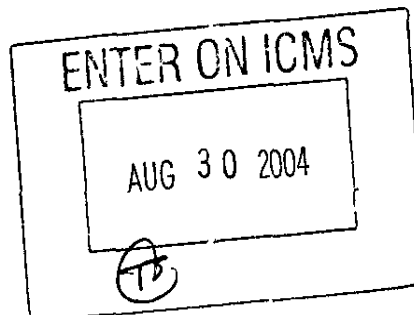
Defendant is sentenced on Counts 1 and 2 of the Information. Defendant speaks. Refer to Judgment and Probation/Commitment Order (copy attached). On Government's motion, the underlying complaint is ordered dismissed.

The matter is referred to the Probation Office for the preparation of a post-sentence report related solely to criminal history.

A copy of the transcript shall be delivered to Probation, Bureau of Prisons and Sentencing Commission.

FILED and distributed judgment. Issd JS-3. ENTERED.

cc: USPO
USMO-SA
PSA-SA
FISCAL



24

**United States District Court
Central District of California**

UNITED STATES OF AMERICA vs.

Docket No. CR 04-1005-CJCDefendant FRANCISCO NUNEZ-MORENOSocial Security No. Unknown

akas: _____

Residence Metropolitan Detention Center

Mailing Address _____

Address 535 North AlamedaLos Angeles, CA 90012

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
08	23	2004

COUNSEL**WITH COUNSEL**Darlene Ricker, appointed

(Name of Counsel)

PLEA**GUILTY**, and the court being satisfied that there is a factual basis for the plea. ☐**NOLO
CONTENDERE****NOT
GUILTY****FINDING**There being a finding/verdict of ☐ **GUILTY**, defendant has been convicted as charged of the offense(s) of:
8 U.S.C. Section 1325(a): Improper Entry by Alien

**JUDGMENT
AND PROB/
COMM
ORDER**

The Court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of:

It is ordered that the defendant shall pay to the United States a special assessment of \$110.00 which is due immediately.

Pursuant to Section 5E1.2(e) of the Guidelines, all fines are waived, as it is found that defendant does not have the ability to pay a fine.

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, FRANCISCO NUNEZ-MORENO, is hereby committed on Counts One and Two of the Information to the custody of the Bureau of Prisons to be imprisoned for a term of 30 months. This term consists of six months on Count One and 24 months on Count Two, to be served consecutively.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of one year on Count Two only, under the following terms and conditions:

1. The defendant shall comply with the rules and regulations of the U.S. Probation Office and General Order 318;

2. The defendant shall refrain from any unlawful use of a controlled substance. As directed by the Probation Officer, the defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter;

3. The defendant shall comply with the immigration rules and regulations

USA vs. FRANCISCO NUNEZ-MORENODocket No.: CR 04-1005-CJC

of the United States, and when deported from this country, either voluntarily or involuntarily, not reenter the United States illegally. The defendant is not required to report to the Probation Office while residing outside of the United States; however, within 72 hours of release from any custody or any reentry to the United States during the period of Court-ordered supervision, the defendant shall report for instructions to the U.S. Probation Office located in this building or at the United States Courthouse, 312 North Spring Street, Ste 600, Los Angeles, CA 90012.

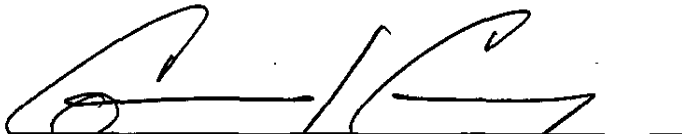
The Court recommends to the Bureau of Prisons that the defendant be incarcerated in a Southern California Institution, Terminal Island, but only in so far as this recommendation accords with security classification and space availability.

Pursuant to Government's motion, underlying complaint is dismissed.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

☐ This is a direct commitment to the Bureau of Prisons, and the Court has NO OBJECTION should the Bureau of Prisons designate defendant to a Community Corrections Center.


8/25/04
Date


Cormac J. Carney, U. S. District Judge

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Sherri R. Carter, Clerk

8/22/04
Filed Date

By 
D. Beard
Deputy Clerk

USA vs. FRANCISCO NUNEZ-MORENO

Docket No.: CR 04-1005-CJC

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependants and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall not possess a firearm or other dangerous weapon;
16. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours.

These conditions are in addition to any other conditions imposed by this judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted on appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

Defendant delivered on _____ to _____

at _____

the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

By _____

Date _____

Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

By _____

Filed Date _____

Deputy Clerk